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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,997	04/08/2004	Nicholas A. Matiash	29789/ITW-14676(1675.008)	9050
23598 7590 05/24/2007 BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ, S.C. 250 E. WISCONSIN AVENUE SUITE 1030 MILWAUKEE, WI 53202			EXAMINER LANGDON, EVAN H	
			ART UNIT 3654	PAPER NUMBER
			NOTIFICATION DATE 05/24/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

Office Action Summary

Application No.

10/820,997

Applicant(s)

MATIASH, NICHOLAS A.

Examiner

Evan H. Langdon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) 16-58 and 68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 59-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/13/06,10/14/05,12/13/04,4/8/04.

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of s 1-15 and 59-67 in the reply filed on 03 April 2007 is acknowledged.

Claims 16-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 03 April 2007.

Claims 31-59 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 03 April 2007. Claims 31-59 are drawn to species B, Figure 14.

Claim Objections

Claim 12 is objected to because of the following informalities: the term, "also" is objected to and should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 10, the limitation "body of said wire guide encompasses an entirety of a circumference of the elongated bore" renders the claim indefinite. It is not understood how the entire circumference of the elongated bore is encompassed by the wire guide body when claim 1 from which claim 10 depends claims an aperture extending through the elongated body and intersecting the elongated bore?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, 11-15, 59, 60, 62 and 64-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Bernard et al. (US 3,279,669).

In regards to claim 1, 13, 14, 59, 65 and 66, Bernard discloses a wire feed assembly having a wire guide adapted and configured to convey a weld wire in a weld wire drive assembly (col. 1 lines 9-13), and to provide lateral support to such weld wire in such weld wire drive assembly, such weld wire drive assembly having at least one drive roll 33 which is adapted and configured to drive such weld wire in such drive assembly, the wire guide comprising:

an elongate body (Fig. 5 and 7) having an outer surface, a length, and first and second ends;

an elongate bore 51, extending along the length of, and through, the elongate body; and

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an aperture 52 extending through the elongate body transverse to, and intersecting, the elongate bore.

In regards to claims 2 and 3, Bernard discloses a receptacle extending inwardly, along the length of the wire guide (see Figs. 5 and 7, cylindrical cavity on left of Figure accommodating flexible conduit 66), from at least one of the first and second ends where the receptacle defining a generally cylindrical cavity.

In regards to claims 5 and 60, Bernard discloses the aperture comprising first and second depressions 62a,62b extending into the outer surface of the elongate body from opposing sides thereof, each such depression extending fully across a width of the elongate bore so as to define a side elevation depression profile, and opening into the elongate bore.

In regards to claims 7 and 62, Bernard discloses the aperture comprising a generally arcuate depression 52 extending into the outer surface of the elongate body (Fig. 5 and 7).

In regards to claims 11 and 64, Bernard discloses wherein the aperture 52 has a length extending along the length of the elongate body, and a width, and wherein the width of the aperture is generally limited to no more than about three times a diameter of the elongate bore (Fig. 6).

In regards to claim 12, Bernard discloses the first and second depressions 62a,62b open into each other.

With respect to claims 15 and 67, the method described in these claims would inherently result from the use of the wire feed assembly of Bernard as advanced above.

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Claims 1, 5-7, 9, 11-15, 59 and 60-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Seufer (US 5,816,466).

In regards to claim 1 and 13, 14, 59, 65 and 66, Seufer discloses a wire feed assembly having a wire guide 44 (fig. 24) adapted and configured to convey a weld wire in a weld wire drive assembly (Fig. 1, 12), and to provide lateral support to such weld wire in such weld wire drive assembly, such weld wire drive assembly having at least one drive roll 118 which is adapted and configured to drive such weld wire in such drive assembly, the wire guide comprising:

- an elongate body 44 (Fig. 24) having an outer surface, a length, and first and second ends;

- an elongate bore 62a, extending along the length of, and through, the elongate body; and

- an aperture 70,72 extending through the elongate body transverse to, and intersecting, the elongate bore.

In regards to claims 5 and 60, Seufer discloses the aperture comprising first and second depressions 72 (Fig. 24,25) extending into the outer surface of the elongate body from opposing sides thereof, each such depression extending fully across a width of the elongate bore so as to define a side elevation depression profile, and opening into the elongate bore.

In regards to claims 6 and 61, Seufer discloses the elongate body defining a first width dimension, and being adapted and configured to cooperate with a such drive roll 53 having a second width dimension between first and second sides of such drive roll, magnitude of the first width dimension of the elongate body being less than magnitude of the second width dimension of such drive roll (Fig. 12).

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In regards to claims 7 and 62, Seufer discloses the aperture comprising a generally arcuate depression 72 extending into the outer surface of the elongate body (Fig. 24,25).

In regards to claims 9 and 63, Seufer discloses the aperture comprising a first aperture 72, the elongate body further comprising a second aperture 72 (Fig. 24, 25) extending through the elongate body, transverse to the elongate bore, the first and second apertures being spaced from each other along the length of said elongate body.

In regards to claims 11 and 64, Seufer discloses wherein the aperture 72 has a length extending along the length of the elongate body, and a width, and wherein the width of the aperture is generally limited to no more than about three times a diameter of the elongate bore (Fig. 12,24).

In regards to claim 12, Seufer discloses the first and second depressions 72 open into each other.

With respect to claims 15 and 67, the method described in these claims would inherently result from the use of the wire feed assembly of Seufer as advanced above.

Claims 1-2, 4, 8, 10 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerould (US 3,675,837).

In regards to claims 1 and 59, Gerould discloses a wire feed assembly having a wire guide 26,28 (Fig. 6) adapted and configured to convey a weld wire in a weld wire drive assembly (Fig. 1), and to provide lateral support to such weld wire in such weld wire drive assembly, such weld wire drive assembly having at least one drive roll 22, 34 which is adapted and configured to drive such weld wire in such drive assembly, the wire guide comprising:

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an elongate body 26,28 (Fig. 6) having an outer surface, a length, and first and second ends;

an elongate bore, extending along the length of, and through, the elongate body; and

an aperture (see space between 26 and 28, Fig. 6) extending through the elongate body transverse to, and intersecting, the elongate bore.

In regards to claims 2 and 4, Gerould discloses a receptacle extending inwardly, along the length of the wire guide (see Figs. 6 the wire guide element 28 accommodating flexible conduit), from at least one of the first and second ends where the receptacle defining a generally conical cavity.

In regards to claim 8, Gerould discloses an inlet guide ((see Figs. 6 the wire guide element 28 accommodating flexible conduit) having a bore extending there through and communicating with one of said first and second ends of the elongate body, (i) the bore which extends through the inlet guide, and (ii) the bore which extends through said elongate body, being generally coaxial with respect to each other.

In regards to claim 10, Gerould discloses a single unitary body (either 26 or 28) of the wire guide encompasses an entirety of a circumference of the elongate bore.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571) 272-6948.

The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'E. Langdon', with a stylized, cursive script.

Evan Langdon
Patent Examiner